

UTT/17/0649/OP – (FELSTED)

(MINOR)

PROPOSAL: Outline application with all matters reserved for proposed development of 8 no. dwellings.

LOCATION: Land off Stevens Lane, Felsted

APPLICANT: Mr K Robinson

AGENT: Acorus

EXPIRY DATE: 23 May 2017

CASE OFFICER: Mr C Theobald

1. NOTATION

1.1 Outside Development Limits / affecting setting of Grade II Listed Buildings.

2. DESCRIPTION OF SITE

2.1 The site lies on the outside of a gradual curve on the north side of Stevens Lane which loops off the main road leading through Bannister Green and consists of an area of flat, overgrown land comprising 0.59 ha covered to a large extent by self-seeded tree and mature scrub, but with an excavated pond adjacent a clearing in the middle and a line of more established trees which stand onto the side/rear boundary of the site, some of which are subject to a TPO. Stevens Farm, a residentially converted grade II listed courtyard barn range with associated curtilage lies to the immediate east of the site which is set back from the lane frontage, whilst Yew Tree Cottage, a single storey grade II listed dwelling lies to the immediate south-west of the site towards the beginning of the lane. Cressages Close, a 1960's built residential cul-de-sac exists to the immediate west. A private unmade service track which runs to the side of Yew Tree Cottage denotes the site's south-western boundary. Farmland lies to the north (rear) of the site.

2.2 A line of modern dwellings lie along the south side of Stevens Lane which extend around the inside of the curve to the road junction which are generally open plan in character, including a short row of more recently built infill dwellings which stand opposite the site. A modernised period dwelling lies on the northern side of Stevens Lane on the eastern side of Stevens Farm Barn beyond a frontage pond, whilst a new pair of dwellings with garages which are in an advanced stage of construction lie beyond this. Further dwellings lie along Stevens Lane to its junction back with the main road on its south-east side.

3. PROPOSAL

3.1 This outline application will all matters reserved relates to the residential development of the site to provide 8 no. market dwellings with associated garages.

3.2 Four housing layout options have been submitted with the application for indicative purposes to show how the proposed development could be accommodated at the

site. The development in each case is shown as 6 no. detached dwellings and a pair of semi-detached dwellings, although no elevational details have been provided for the scheme to show how the dwellings might look or at what building scale. Option 4 layout scheme (drwg no. SL 5A), the latest option scheme to be provided, shows two lines of dwellings with vehicular access being taken off the existing side service track rather than directly from the road with the existing road frontage hedging retained. The development has been provided as a housing mix between 2 no. x 2 bed units, 2 no. x 3 bed units and 4 no. x 4 bed units (8 dwellings total), although this housing mix is a suggested mix only.

3.3 The application is accompanied by the following supporting documents:

- Flood Risk Assessment;
- Ecological Assessment (updated on 22/03/2017 in relation to bats and dormice);
- Combined Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan.

3.4 This planning application is being reported back to Planning Committee for determination, following the High Court's decision to set aside the Council's previous decision on this matter

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The site proposal can be described as being an Infrastructure Project under Schedule 2 Column 1, Class 10 of the EIA Regulations 2017. However, the development would not include more than 1 hectare of urban development which is not dwellinghouse development, the development would not include more than 150 dwellings and the overall area of the development does not exceed 5 hectares.

5. APPLICANT'S CASE

5.1 A planning supporting statement has been submitted with the application which sets out the constraints and opportunities for this undeveloped piece of land and the reasons why planning permission should be granted for its residential use

5.2 The following comments have been made:

- The site off Stevens Lane is currently overgrown with no established use. Due to the size of the site and neighbouring dwellings, it would be impractical and unviable to develop an agricultural enterprise.
- The proposed dwellings sit within the existing building line to the east and the west and will not extend into the open countryside to the north.
- The Local Authority has under delivered for housing for a number of years (6 out of the last 10) with the housing delivery target only being met once since 2009/2010. A 5 year supply of deliverable housing sites cannot be demonstrated, therefore the relevant development policies cannot be considered up to date. Paragraphs 49 and 55 of the National Planning Policy Guidance therefore take precedence.
- The NPPF clearly recognises the need to boost housing supply in rural as well as urban areas. It no longer seeks to protect the countryside for its own sake, but rather supports "thriving rural communities" within it (paragraph 17), whilst balancing social, economic and environmental needs.
- Housing on a particular site must also be shown to be deliverable in line with footnote 11 of the NPPF. The proposal can be delivered on the subject site as it

is available being owned by the applicant. It is also arguably sustainable being just outside the village boundary and can be achieved comfortably within the next 5 years.

- An assessment of any adopted policy to which the proposal is contrary and why in sustainability terms the proposal should not proceed contrary to the development plan is required.
- Bannister Green is located only 1.5 miles to Felsted, 6.5 miles to Great Dunmow, 7.5 miles to Braintree, 11 miles to Chelmsford and 11.9 miles to Stansted Airport. Braintree has a main line train station with trains running to London and Colchester on a regular basis.
- Bus services run from Bannister Green connecting with Gt Dunmow to the west and Braintree to the east and then to larger centres such as Chelmsford and Colchester. There is a bus stop nearby. In addition, there is a bus service to Stansted Airport from where the Stansted Express rail service runs to London Liverpool Street with a travel time of 50 minutes.
- Bannister Green and Felsted have a range of local facilities, including a traditional store/post office, bakers deli, arts and craft shop, a public house, several restaurants, village allotments, school, United Reform church and parish church.
- Employment opportunities in local towns are excellent. London is also within easy reach. In addition the erection of the dwellings will create employment opportunities during the construction phase of the proposed development. The development has the potential to provide a knock-on effect to local shops and businesses.
- This application scores highly as it will provide housing which is needed with reference to the 5 year housing supply, will provide employment during the development process and provide a positive effect on local businesses as well as tidying up and making use of a derelict site. The proposed mix of dwellings will encourage social integration.
- In terms of ecology, the spring assessment for newts is underway now that they are coming out of hibernation and this should be completed soon.
- Overall the proposal is sustainable.

6. RELEVANT SITE HISTORY

6.1 None.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1
- S7 – The Countryside
 - ENV2 – Development affecting Listed Buildings
 - ENV3 – Open Spaces and Trees
 - H1 – Housing Development
 - H9 – Affordable Housing
 - H10 – Housing Mix
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

7.2 Essex Design Guide.

National Policies

7.3 National Planning Policy Framework

Other Material Considerations

7.4 None.

8. PARISH COUNCIL COMMENTS

8.1 The Parish Council is opposed to this application for a number of reasons:

- The site is in open countryside outside the settlement development boundary. The proposed development would therefore be contrary to Policy S7 of the Adopted Local Plan unless it was to satisfy the qualification as an 'exception site'; it is not offered as such.
- The site was not put forward in response to the call for sites to be submitted for consideration in the emerging Local Plan, which describes Felsted as a 'Type A' village in which some market housing development might be considered under certain of the scenarios suggested. Should this plan be adopted, the largest volume envisaged for Type A Villages is a total of 1,000 houses (Scenarios B, F and G) spread across 20 villages; Felsted's allocation might reasonably be expected to be 50 new houses over the 15 years up to 2033 or around 3-4 dwellings per year. There are already 22 new dwellings at Watch House Green and a further 25 have been approved at Hartford End. These meet the Village's requirements until around 2030. There is therefore no demonstrated further need for market housing.
- Unlike other recent developments in the street, this proposal is for backfill development extending into the countryside. Stevens Lane is part of ECC's Quiet Lanes network; it is very narrow and not adequate to provide access to eight additional dwellings.
- The removal of the last substantial stretch of hedge line along the lane would result in unacceptable urbanisation to the detriment of the rural setting of the two neighbouring Grade II listed buildings.
- The area is known to have poor surface water drainage (the owners of the neighbouring buildings are understood to have installed drainage pumps to protect their properties). Great crested newts were relocated to this site when displaced from an earlier development nearby.
- The applicants' responses to the Biodiversity Questionnaire are disingenuous: negative responses to questions on the felling of trees and on nearby water features (including ponds) both conflict with the applicants' own ecological assessment and tree survey. The tree survey omits to identify the group of trees along the north-west border of the site as subject to Tree Preservation Orders as is identifiable from UDC's website.

9. CONSULTATIONS

Essex County Council Highways

9.1 The impact of the proposal is acceptable to the Highway Authority from a highway

and transportation perspective subject to conditions.

Essex County Council Ecology

9.2 (revised comments)
Holding objection removed.

No objections subject to conditions:

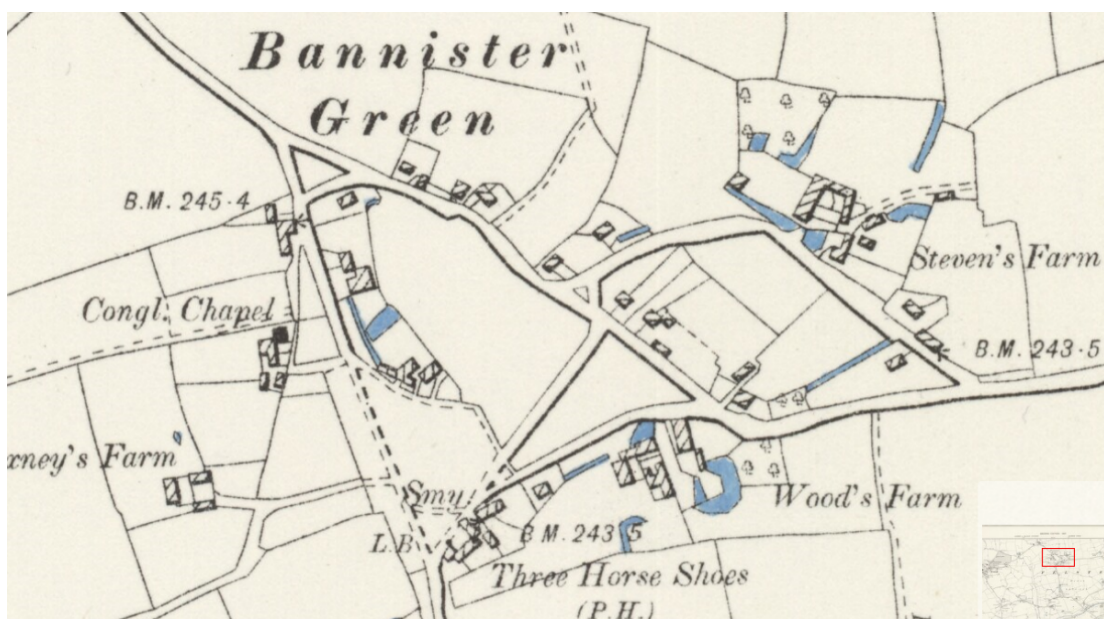
The application is supported by an Ecological Appraisal (The Ecology Practice, March 2017). The Appraisal summarises the main ecological constraints in Table 10 (Page 40) and subsequently recommends measures to alleviate negative impact/ promote biodiversity net-gain where possible.

My response of 19 April 2017 placed a holding objection on this application due to a lack of ecological assessment information relating to bats. The Ecological Appraisal (The Ecology Practice, March 2017) to which those comments relate has now been updated to include the required information.

The site holds ecology value for bats, great crested newt, breeding birds and white-letter hairstreak and contains important hedgerows and trees. The Ecological Appraisal provides a thorough assessment of the impacts in the context of the proposal. Whilst a small area of land will be lost to development, remaining land to the north (within the blue line boundary and under the applicant's control) will be significantly enhanced resulting in biodiversity net-gain. This area should also be subject to a long-term management plan and safeguarded from future development.

UDC Conservation Officer

9.3 The site the subject of this application is located in Bannister Green, one of the hamlets surrounding Felsted Village. Historically it was a small area of bucolic nature consisting of some three historic farmsteads with original farmhouses and outbuildings as indicated on the c19 OS map below (see Map 1). Some nine of these early buildings survived and are listed today.



Map 1

The undeveloped character of the hamlet drastically changed some 20/30 years ago when it became more heavily built-up (see Map 2 below, listed buildings marked brown). It could be said that the early listed buildings have been swamped by architecturally unremarkable modern development. The surviving listed 8 bay Stevens Farm Barn (Grade II) has been converted to three residential units and a considerable level of its original agricultural character has been eroded. Its setting as well as the setting of Yew Tree Cottage (Grade II) to the west of the site has been seriously altered by the residential expansion.



Map 2

The present application is in outline form with all matters reserved. The indicative selections of layouts so far produced, which in terms of design is of great concern by the way, lead me to believe that should some form of development be acceptable here that the new dwellings nearest to the listed buildings would be some 45 and 30 metres away respectively. Clearly, these distances are an estimation only as no formal acceptable layout exists. On balance, I feel that an appropriate, well designed scheme is unlikely to diminish the setting of the heritage assets in any greater degree than the modern housing already in existence.

I must reiterate that should Members have a mind to approve the principle of development here, a scheme responding much better to the historic and agrarian character of the listed buildings in the vicinity should be devised. In addition, I am sceptical that 8 no. units can be accommodated given the prerequisites such as the retention of the hedge, some dwellings fronting Stevens Lane and the scale of potential new homes not having an overpowering effect on the single storey C14 Yew Tree Cottage, which need to be taken into the account.

UDC Landscape Officer

- 9.4 The application site has an overgrown and undeveloped appearance and character comprising mainly self-seeded vegetation, but with mature trees standing onto its western flank. The site is considered in this respect to be distinct in character from the residential nature of the south side of Stevens Lane which comprises a line of dwellings extending along the inside of the lane and new infill dwellings which then curve around on the inside to Braintree Road. In this way, the site has a closer relationship in terms of character and appearance with Stevens Farm containing

converted rural buildings to the immediate east and the rural arable landscape to the north, whilst the linear development on the south side of Stevens Lane has a closer relationship with the built form of Bannister Green to the south and south-west. Therefore, a strong character comparison can be made between these two distinct areas whereby the northern edge of the lane provides this character separation boundary.

It is accepted that the majority of the vegetation cover within the interior of the site is mainly self-seeded and that the site interior does not contain any tree specimens of particular amenity value, although a line of protected high amenity trees (TPO) form part of the rear/side boundary of the site adjacent to the track which are required to be protected by any resulting development. Whilst the frontage line of the site forming the northern edge of Stevens Lane is also mainly self-seeded vegetation, this frontage nonetheless provides a strong green edge onto the lane which reinforces the site's rural undeveloped character as distinct from the residential nature of the south side of the lane. It is highly unlikely that much of this frontage line would be retained through any of the presented housing layout options which would open up the site to the detriment to its rural character and setting along Stevens Lane.

10. REPRESENTATIONS

10.1 21 representations received (Object). Neighbour notification period expires 10 July 2017. Advertisement expires 27 April 2017. Site notice expires 9 May 2017.

Summary of representations

- Site lies outside development limits. Contrary to Policy S7.
- Site not identified as a SHLAA housing site.
- Contrary to the emerging Felsted Neighbourhood Plan.
- The development would change the rural character of the north side of Stevens Lane.
- Type of development shown would not accord with the established ribbon pattern of Bannister Green.
- Loss of wooded area and frontage hedgerow. TPO on site.
- Loss of biodiversity. Inadequate bio-diversity questionnaire responses.
- Current relocation site for great crested newts has not worked (pond has dried up). No confidence that further newt relocation by the applicant would work either.
- Natural footpath through site.
- Surface water flooding potential has increased following previous house building in Stevens Lane along southern side. Ditches now flood over.
- Pressure on utility services, including water supply.
- Contractor vehicles would cause damage to road surface and verges.
- No pavements along Stevens Lane. Extra traffic would create road hazard.
- Stevens Lane has "Quiet Lane" status. Would the road have to be lit?
- Negative impact on setting of adjacent listed buildings.
- Lack of village infrastructure to support additional development.
- Development would not include social housing as a public benefit. Purely for private profit.
- Falling housing market for larger homes.
- Site is not derelict as stated.
- New local plan needed to stop speculative development.

11. APPRAISAL

The issues to consider in the determination of the application are:

- A Whether the development amounts to a presumption in favour of sustainable development, including reference to the 5 year housing supply / Countryside protection / Flood protection (NPPF and ULP Policies S7 and GEN3)
- B Access and design (ULP Policies GEN1 and GEN2)
- C Housing Mix and Affordable Housing (ULP Policies H9 and H10)
- D Open Spaces and Trees (ULP Policy ENV3)
- E Impact on protected/priority species (ULP Policy GEN7)
- F Impact on setting of listed buildings (ULP Policy ENV2)

A Whether the development amounts to a presumption in favour of sustainable development, including reference to the 5 year housing supply / Countryside protection / Flood protection (NPPF and ULP Policies S7 and GEN3).

- 11.1 The NPPF has a presumption in favour of sustainable development whereby paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF has three dimensions, or strands to sustainable development; economic, social and environmental whereby paragraph 8 states that these strands should not be undertaken in isolation to each other as they are mutually dependent, adding that economic, social and environmental gains should be sought *“jointly and simultaneously through the planning process to achieve sustainable development”*. Paragraph 17 sets out core land use planning principles which contribute to the presumption in favour of sustainable development.
- 11.2 Paragraph 11 of the NPPF states that planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise and that proposed development that conflicts with the development plan should be refused permission unless other material considerations indicate otherwise. Paragraph 49 states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”* Paragraph 10 states that *“Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas”*.
- 11.3 ULP Policy S7 of the Council’s adopted local plan seeks to protect the countryside for its own sake and states that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that this includes housing infilling. The policy adds that *“development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there”*. The NPPF takes a more positive stance to development within rural areas providing that it represents a presumption in favour of sustainable development whereby para 55 states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. The Ann Skippers local plan/NPPF Compatibility Assessment report (July 2012) acknowledges that ULP Policy S7 is only “partially consistent with the NPPF”. Whilst the aim of Policy S7 of protecting the countryside is clearly in line with the environmental strand of the framework, and in particular with paragraph 17 (bullet point 5), overall this policy can

only carry limited weight in the planning balance if other factors weigh in the development's favour. Accordingly, paragraph 14 of the framework is engaged and with it the tilted balance set out in favour of sustainable development.

- 11.4 In terms of assessment against the three sustainability strands of the NPPF, the site is located within a sustainable position on the eastern edge of Bannister Green relative to Felsted village whereby it is within reasonable distance of local services and amenities provided within the village and also Felsted Primary School at Watch House Green located nearer to the site. Whilst it is reasonable to say that the site is not within comfortable walking distance of these services and amenities with the exception of the primary school, it is nonetheless adjacent to existing housing, whilst Members will be aware that a new housing development has been built within close proximity of the site along the B1417 Braintree Road to the north-west near to the primary school when the sustainability credentials of that development were accepted. As such, it is considered that the proposal would be compliant with the social strand of the NPPF. The proposal would also be compliant with the economic strand of the NPPF in terms of providing local construction work for the period of development build.
- 11.5 The site is currently undeveloped (greenfield) and serves as a natural “buffer” between Cressages Close to the immediate west and the barn conversion range at Stevens Farm to the immediate east. As such, the development of the site would represent an intrusion into the countryside on the outer side of Stevens Lane, which has a semi-rural feel as identified by the Council’s Landscape Officer in his consultation response. Accordingly, the development would strictly be contrary to the provisions of ULP Policy S7 and the environmental strand of the framework resulting in harm to the character of the lane. As such, it is necessary to measure the level of harm which would arise and the weight that should be attached to that harm in the overall planning balance.
- 11.6 It should be noted that the site is not derelict as described in the applicant's supporting statement. To suggest this would infer that there are buildings/uses on the land that have become neglected/abandoned over time and representing some form of visual detriment. This is not the case as the site does not contain any buildings and is not used for any specific land use. The site has become overgrown over many years with self-seeded vegetation, although that is now the site's character as viewed from the lane. Notwithstanding this, the applicant would be entitled to clear the land of all vegetation if desired with the exception of the preserved trees which stand at the back of the site and also subject to any ecology licences being required. The site does not constitute farmland and the residential development of it would not represent the loss of food production. Whilst reference is made in third party representation to a “natural” footpath running through the site from Stevens Lane, it is the case that no PROW's run through the site, the nearest being public footpaths which extend northwards to arable land out of Cressages Close and Stevens Farm on either side. As such, the path has no recognised status, which indicates that it is used on an informal basis for recreational purposes by local residents.
- 11.7 The site can only be publicly viewed from one main place and that is from Stevens Lane itself as the area for the application site falls short of the hard edge of the open arable land which lies to the north of the site whereby the strip of overgrown land which exists in between would be used as a newt translocation site (see further discussion on this issue below). As such, any housing provided at the site would not be readily appreciated at a distance from fields to the rear from either of the aforementioned public footpaths leading to/from Stevens Lane and any wider

countryside harm beyond the site itself would be limited. Taking this factor into account, any harm would be localised to Stevens Lane and it is further considered that any harm which would arise from the proposed development would diminish in time and mitigated through the submission of a detailed landscaping scheme (reserved matter).

- 11.8 Given the above assessment, the proposal would by definition be contrary to the countryside protection aims of ULP Policy S7 in relation to the environmental harm which would be caused. However, this harm relates only to a single policy and the weight that can be given to that policy is less than full weight as Policy S7 is only partially consistent with the framework as previously mentioned, particularly given the site's favourable geographical location and the need to reduce the Council's housing supply deficit, which are material factors. Furthermore, the applicant has stated that the site is deliverable.
- 11.9 In the circumstances, the adverse impacts of granting planning permission for the proposal would not significantly and demonstrably outweigh the benefits and it is considered that the proposal would amount to a presumption in favour of sustainable development as set out in paragraph 14 of the NPPF. The site is situated within Flood Zone 1 as shown on the Government's flood risk map, which means that the site has a low risk of flooding. As such, there are no reasons to refuse this application on flood risk grounds and it is not necessary for the applicant to provide a Flood Risk Assessment (FRA). The proposal would not therefore be contrary to ULP Policy GEN3 and it is considered that the application is acceptable in principle.

B Access and design (reserved matters) (ULP Policies GEN1 and GEN2)

Access:

- 11.10 Stevens Lane is a single width unclassified lane which is also locally designated as a "quiet lane". Recent infill housing development exists on the inside of the lane on its west side before it curves round onto the main road. Whilst Access is a reserved matter, it is considered that the introduction of an additional eight dwellings at Stevens Lane as proposed would not give rise to an unacceptable intensification of use of the lane notwithstanding its quiet lane status whereby ECC Highways have not raised any highway objections subject to a standard highway condition. The four indicated site layout "options" submitted show that a service access road at the required width would be able to be provided for the development (ULP Policy GEN1).

Design:

- 11.11 Scale, Layout, Appearance and Landscaping are also reserved matters and do not therefore fall to be considered for this outline application. The development is shown at 12 dwellings per hectare, which is low. The four housing layout options shown for the site are provided for indicative purposes only, although the layouts showing a double row of dwellings are not considered to be a particularly desirable form of development at this semi-rural location and it would be beneficial for pre-application discussions to be entered into between the applicant and the Council prior to the submission of any reserved matters application should planning permission be granted in principle to ensure that any firmed up site layout was appropriate for the site location and could satisfactorily accommodate eight dwellings.

C Housing Mix and Affordable Housing (ULP Policies H9 and H10)

- 11.12 The housing mix indicated for the site between 2, 3 and 4 bedroomed housing units (ratio: 2-2-4) could be an acceptable housing market mix for this edge of village location whereby there is a variety of house sizes and types within the vicinity of the site. No housing mix objections are therefore raised in principle to the proposal under ULP Policy H10.
- 11.13 Affordable housing financial contributions can no longer be requested by the Council for housing developments of ten or less housing units in line with NPPG advice. However, the applicant has indicated that he is willing to make a financial contribution to the Parish Council, possibly to the proposed Felsted Community Hub, as a way of providing the development with an additional community benefit in the absence of affordable housing, although this offer could not form the basis of a S106 agreement with the Council (ULP Policy H9).

D Open Spaces and Trees (ULP Policy ENV3)

- 11.14 The detailed tree survey submitted with the application has identified those trees which are of low to medium amenity value on the site and those which are of high amenity value, including those trees which stand towards the rear of the site which are subject to tree protection. The Council's Landscape Officer has seen the survey report and is satisfied at this outline stage that the residential development of the site would not significantly impinge on those existing trees recorded of being of medium to high amenity value. As Landscaping is a reserved matter, full consideration of this issue can only be appraised at detailed submission stage. No objections are therefore raised in principle under ULP Policy ENV3.

E Impact on protected/priority species (ULP Policy GEN7)

- 11.15 A detailed ecology report (The Ecology Practice) has been submitted with this application which has subsequently been updated (22/03/2017) to take into account ECC Ecology's initial holding objection relating to impact on bats. The report takes into consideration a proposed newt receptor site (identified as Site C in the report) which exists to the immediate rear of the development site following the translocation of a total of 53 newts from a building site on the west side of Stevens Farm in late 2015/early 2016 under a Natural England licence (Site A - UTT/14/2626/FUL). The report states that any newts which may exist on the proposed development site area (Site B) could be able to be successfully relocated onto Site C as the new receptor site, together with the introduction of other enhancing refugia to make the new newt environment more conducive to their survival. Notwithstanding that the existing translocation newt pond formed on the current receptor site (e.g. the development site – Site B) is now dry, this fact does not in itself affect the merits of the current application were the recommended safeguards as recommended in the report be put in place to ensure that appropriate methods for newt re-capture were observed prior to development being carried out, which would be conditioned.
- 11.16 The survey findings have revealed that the development would not have a harmful impact on other protected species, including bats, reptiles, badgers and the White-Letter Hairstreak Butterfly, providing certain controls are put into place in mitigation, which can also be conditioned. ECC Ecology has considered the updated ecology report, including the recommended methods of GCN relocation and impact on bats and has now removed its holding objection whereupon it has commented that the ecology report is thorough in its findings and analysis. In the circumstances, no

ecology objections are raised to the proposal under ULP Policy GEN7.

F Impact on setting of listed buildings (ULP Policy ENV2)

11.17 Section 66 (1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 provides that (1) *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.

11.18 Paragraph 128 of the NPPF states that;

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail shall be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”.

Paragraph 129 states that;

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 132 states that;

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional”.

Paragraph 133 states that;

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”

and, finally, Paragraph 134 states that;

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

11.19 The Council's Conservation Officer has advised in her consultation response that the residential use of this site between two Grade II listed buildings would be

unlikely to diminish the setting of the heritage assets in any greater degree than the modern housing already in existence in the locality and would be acceptable in principle subject to an appropriate and well-designed scheme responding positively to the historic and agrarian character of the listed buildings being submitted to the Council for detailed consideration at reserved matters stage where it is noted that the Conservation Officer advises that the submitted layout option schemes for the current outline application would not be appropriate for the site in the context of the setting of the listed buildings.

- 11.20 In the circumstances, and on the specialist advice received from the Council's Conservation Officer concerning the heritage impacts of this proposal, it is considered that the principle of the residential development of the site would lead to less than substantial harm to the significance of the adjacent designated heritage assets where this harm has been weighed against the public benefits of the proposal and would not be contrary to ULP Policy ENV2.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The proposed residential development of this greenfield site lying just outside the settlement boundary for Bannister Green would in the planning balance amount to a presumption in favour of sustainable development when tested against the provisions of the NPPF and the Council's lack of a 5 year housing supply, notwithstanding it is acknowledged that some harm to the site's setting would be caused. The site is located within a low flood risk zone and is not therefore at a risk of flooding.
- B** Matters relating to access, scale, layout, appearance and landscaping are reserved matters and do not fall to be considered with this outline application, although ECC Highways have already indicated that it has no highway objections in principle to the proposed development.
- C** The housing mix indicated for the proposed development would appear to be acceptable in principle for this edge of settlement location. The applicant has advised that he will be separately communicating with the Parish Council regarding making a financial contribution to the community in the absence of any affordable housing being eligible for the scheme.
- D** The submitted tree survey reports show that the proposed development would not require the removal of any trees of significance at the site and any detailed application submission would ensure that the row of preserved trees at the side/rear of the site would be protected.
- E** The submitted (updated) ecology report shows that the development would not have a harmful impact on protected species subject to appropriate mitigation measures being incorporated into the development, including measures to relocate great crested newts to a new receptor area to the rear of the site.
- F** The principle of residential use at this site between two Grade II listed buildings would lead to less than substantial harm to the significance of these adjacent designated heritage assets where this harm has been weighed against the public benefits of the proposal subject to an appropriate, well-designed scheme responding positively to the historic and agrarian character of the listed buildings being submitted to the Council for detailed consideration at reserved matters stage.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Approval of the details of access, layout, scale, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Details of a surface water drainage scheme incorporating sustainable drainage principles (SuDS) shall be submitted with any reserved matters application submitted showing how surface water drainage from the development site will be properly disposed of without causing flooding to adjacent properties or other land. Subsequently, the drainage scheme for the site shall be carried out as approved.

REASON: To ensure that the development does not pose a surface water flood risk to occupiers of the site or of adjoining land in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

5. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal produced by The Ecology Practice (March 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

6. No development shall take place (including demolition, ground works, vegetation clearance on either Site B or Site C (see Ecological Appraisal produced by The Ecology Practice dated March 2017)) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in

writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

7. No development shall take place until an ecological design strategy (EDS) addressing habitat compensation has been submitted to and approved in writing by the local planning authority. The strategy shall accord with the recommendations in the Ecological Appraisal produced by The Ecology Practice dated March 2017. The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

8. A landscape and ecological management plan (LEMP) for Site C shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of

the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out *(where the results from monitoring show that conservation aims and objectives of the LEMP are not being met)* how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

NB: If the ecological consultant wishes; the CEMP, ecological design strategy and LEMP can be combined into one report.

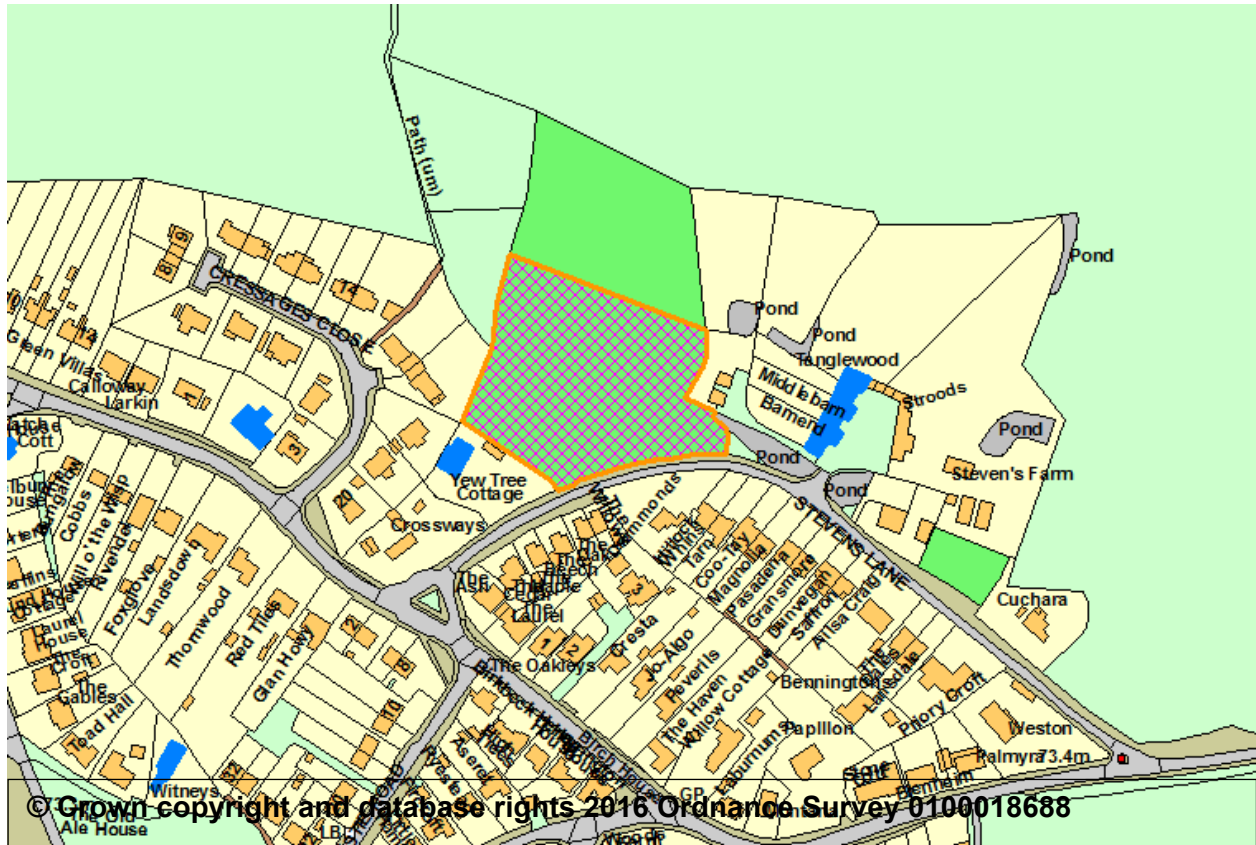
REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

9. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

Application: UTT/17/0649/OP

Address: Land off Stevens Lane, Felsted



Organisation: Uttlesford District Council

Department: Planning

Date: 2 March 2018